

BK1300764  
SAB

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
AT COLUMBUS

IN RE:

Mark J Nicodemus  
Sheri L Nicodemus

Debtors

Case No. 13-50640

Chapter 7

Judge Hoffman Jr.

**MOTION OF JPMORGAN CHASE  
BANK, N.A. SUCCESSOR BY MERGER  
TO CHASE HOME FINANCE, LLC  
SUCCESSOR BY MERGER TO CHASE  
MANHATTAN MORTGAGE  
CORPORATION FKA CHEMICAL  
RESIDENTIAL MORTGAGE  
CORPORATION FOR RELIEF FROM  
STAY (PROPERTY ADDRESS: 350  
SHERYL DRIVE, PICKERINGTON, OH  
43147)**

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JPMorgan Chase Bank, N.A. successor by merger to Chase Home Finance, LLC successor by merger to Chase Manhattan Mortgage Corporation fka Chemical Residential Mortgage Corporation (the "Movant") moves this Court, under §§ 361, 362, 363 and other sections of the Bankruptcy Reform Act of 1978, as amended (the "Bankruptcy Code") and under Rules 4001, 6007 and other rules of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") for an Order conditioning, modifying or dissolving the automatic stay imposed by § 362 of the Bankruptcy. In support of this Motion, the Movant states:

**MEMORANDUM IN SUPPORT**

- 1 The Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2). The venue of this case and this Motion is proper under 28 U.S.C. §§ 1408 and 1409.
- 2 A copy of the Deed to the subject property is attached hereto as Exhibit "A". On July 19, 1995, the debtor Mark J Nicodemus obtained a loan from Broadview Mortgage Company in the amount of \$95,245.00. Such loan was evidenced by a promissory note dated July 19, 1995, (the "Note"), a copy of which is attached as Exhibit "B".
- 3 To secure payment of the Note and performance of the other terms contained in it, the debtors executed a Mortgage dated July 19, 1995 (the "Security Agreement"). The Security Agreement granted a lien on the real and/or personal property (the "Collateral") owned by the debtors, located at 350 Sheryl Drive, Pickerington, OH 43147 and more fully described in the Security Agreement.
- 4 The lien created by the Security Agreement was duly perfected by the filing of the Security Agreement in the Office of the Fairfield County Recorder on July 21, 1995. A copy of the Security Agreement is attached to this motion as Exhibit "C". The lien is the First lien on the Collateral. Said Note and Mortgage are subject to a Loan Modification agreement, a copy of which is attached as Exhibit "D".

5 The Note and Security Agreement were transferred as follows:

The Note was transferred from Broadview Mortgage Company to Chemical Residential Mortgage Corporation as evidenced by the Endorsement on the Note. See Exhibit "B".

The Note was Endorsed by Chemical Residential Mortgage Corporation in blank as evidenced by the Endorsement on the Note. See Exhibit "B". Movant currently has possession of the Original Note.

The Mortgage was transferred from Broadview Mortgage Company to Chemical Residential Mortgage Corporation as evidenced by the assignment recorded on July 21, 1995 as evidenced by the document attached hereto as Exhibit "D".

On April 8, 1996, a Certificate of Amendment changing its corporate name from Chemical Residential Mortgage Corporation to Chase Manhattan Mortgage Corporation was filed in the State of New Jersey as evidenced by the said document attached hereto as Exhibit "E".

On December 15, 2004, a Certificate of Merger of Chase Manhattan Mortgage Corporation into Chase Home Finance, LLC was executed in the State of Delaware, as is evidenced by said document attached to this Motion as Exhibit "F".

On May 1, 2011 Chase Home Finance merged with and into JPMorgan Chase Bank, N.A. as evidenced by the document attached hereto as Exhibit "G".

6 The value of the Collateral is \$120,600.00. This valuation is based on the Debtor's Schedules.

7 As of the date of this Motion, there is currently due and owing on the Note the outstanding balance of \$97,695.83, plus interest accruing thereon at the rate of 4.0% per annum (\$10.36 per day) from May 4, 2013.

8 Other parties who may have an interest in the Collateral are

Bay City Investments by virtue of a mortgage upon which the amount due is approximately \$16,380.44.

State of Ohio Department of Taxation by virtue of certified judgment liens upon which the total amount due is approximately \$1,026.53.

Arrow Financial Services Llc by virtue of a certified judgment lien upon which the amount due is approximately \$2,549.61.

Capital One Bank USA, N.A. by virtue of a certified judgment lien upon which the amount due is approximately \$961.28.

9 The Movant is entitled to relief from the automatic stay under §§ 362(d)(1) and/or 362(d)(2) for these reasons:

Debtors have failed to provide adequate protection for the lien held by the Movant for the reasons set forth below.

This case is a Chapter 7 wherein debtor is in default for payment on the mortgage loan wherein the last payment was applied to the payment due for the month of July, 2012 and there is no equity for the benefit of the estate.

10 This Motion does not seek to affect the rights of the Chapter 7 Trustee.

11 Pursuant to LBR 4001-1(a)(1) Movant has completed the Exhibit and Worksheet attached hereto as Exhibit "H".

WHEREFORE, Movant prays for an Order from the Court granting Movant relief from the automatic stay of §362 of the Bankruptcy Code to permit Movant to proceed under law and for such other and further relief to which the Movant may be entitled.

/s/ Steven H Patterson  
Steven H Patterson, Case Attorney  
LERNER, SAMPSON & ROTHFUSS  
Bar Registration No. 0073452  
Amy D. Vogel, Esq.  
Bar Registration No. 0075169  
Attorneys for Movant  
PO Box 5480  
Cincinnati, OH 45201-5480  
(513) 241-3100 ext. 3373  
(513) 354-6464 fax  
sohbk@lsrlaw.com

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing Motion for Relief from Stay of the secured creditor, JPMorgan Chase Bank, N.A. successor by merger to Chase Home Finance, LLC successor by merger to Chase Manhattan Mortgage Corporation fka Chemical Residential Mortgage Corporation , was electronically transmitted on May 03, 2013 via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice list:

Scott R Needleman, Esq.  
5300 E Main St  
Suite 109  
Columbus, OH 43213  
j.ives@srneedleman.com

Jeffrey P. Norman, Trustee  
One Columbus  
10 West Broad Street, Suite 900  
Columbus, OH 43215-3449  
notices@ch13columbus.com

Office of the U.S. Trustee  
170 North High Street, Ste. 200  
Columbus, OH 43215  
ustpreion09.cb.ecf@usdoj.gov

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Mark J Nicodemus  
350 Sheryl Drive  
Pickerington, OH 43147

Sheri L Nicodemus  
350 Sheryl Drive  
Pickerington, OH 43147

Bay City Investments  
P.O. Box 210924  
Chula Vista, CA 91921-0924

State of Ohio Department of Taxation  
150 East Gay Street, 21st floor  
C/o Attorney General Revenue  
Columbus, OH 43215

Arrow Financial Services Llc  
5996 W. Touhy Avenue  
Niles, IL 60714

Capital One Bank USA, N.A.  
15000 Capital One Drive  
Richmond, VA 23238-1119

/s/ Steven H Patterson  
Steven H Patterson, Case  
Attorney  
LERNER, SAMPSON &  
ROTHFUSS  
Bar Registration No.  
0073452  
Amy D. Vogel, Esq.  
Bar Registration No.  
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IN RE:

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Debtors

Case No. 13-50640

Chapter 7

Judge Hoffman Jr.

**NOTICE OF FILING OF MOTION FOR  
RELIEF FROM STAY OF JPMORGAN  
CHASE BANK, N.A. SUCCESSOR BY  
MERGER TO CHASE HOME FINANCE,  
LLC SUCCESSOR BY MERGER TO  
CHASE MANHATTAN MORTGAGE  
CORPORATION FKA CHEMICAL  
RESIDENTIAL MORTGAGE  
CORPORATION ,  
(PROPERTY ADDRESS: 350 SHERYL  
DRIVE, PICKERINGTON, OH 43147)**

**OFFICIAL FORM 20A**

JPMorgan Chase Bank, N.A. successor by merger to Chase Home Finance, LLC successor by merger to Chase Manhattan Mortgage Corporation fka Chemical Residential Mortgage Corporation has filed papers with the Court to obtain relief from the automatic stay.

**YOUR RIGHTS MAY BE AFFECTED.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the Court to consider your views on the motion for relief from stay, then within twenty-one (21) days from the date of this notice, you or your attorney must:

- \* File with the Court a written request for a hearing, and a written response setting forth the specific grounds explaining your position at:

Clerk, U.S. Bankruptcy Court  
170 North High Street  
Columbus, OH 43215

If you mail your request or response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Scott R Needleman, Esq. - Attorney for Debtors  
5300 E Main St  
Suite 109  
Columbus, OH 43213  
j.ives@srneedleman.com

Jeffrey P. Norman, Esq. - Trustee  
One Columbus  
10 West Broad Street, Suite 900  
Columbus, OH 43215-3449  
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Office of the U.S. Trustee  
170 North High Street, Ste. 200  
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ustpreion09.cb.ecf@usdoj.gov

Steven H Patterson, Esq. - Attorney for Movant  
PO Box 5480  
Cincinnati, OH 45201-5480  
sohbk@lsrlaw.com

at the addresses listed thereon.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

DATED: May 03, 2013

/s/ Steven H Patterson  
Steven H Patterson, Case Attorney  
LERNER, SAMPSON &  
ROTHFUSS  
Bar Registration No. 0073452  
Amy D. Vogel, Esq.  
Bar Registration No. 0075169  
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